

**Santa Monica Basin Groundwater Sustainability Agency  
Memorandum**

**SECTION        A.1**

**DATE:            December 16, 2021**

**TO:              BOARD OF DIRECTORS**

**SUBJECT:        ADOPTION OF RESOLUTION NO. 1, A FOUNDING RESOLUTION OF THE SANTA MONICA  
BASIN GROUNDWATER SUSTAINABILITY AGENCY INCLUDING THE ADOPTION OF  
BYLAWS**

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**RECOMMENDATION**

The Board of Directors (“Board”) adopt Resolution No. 1, a founding resolution of the Santa Monica Basin Groundwater Basin Groundwater Sustainability Agency (“SMBGSA”) including the adoption of governance bylaws.

**DISCUSSION**

In September 2014, California passed Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (“SGMA”), enacting Water Code §§10720 – 10737.8. The legislative intent of SGMA, among other goals, is to provide for the sustainable management of groundwater basins, to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible while minimizing state intervention. SGMA, which became effective on January 1, 2015, requires the sustainable management of groundwater basins designated by the California Department of Water Resources (“DWR”) as medium and high priority by the year 2042. DWR defines “sustainability” as the absence of negative impacts including but not limited to groundwater depletion, water quality degradation, and land subsidence. DWR’s groundwater basin priority designations are based on several factors, including population, number of groundwater wells, overdraft, land subsidence and water quality conditions.

SGMA requires all high and medium priority non-adjudicated groundwater basins, as designated by DWR in Bulletin 118, to be managed by a Groundwater Sustainability Agency (“GSA”) and that such management be accomplished pursuant to a Groundwater Sustainability Plan (“GSP”) for the Basin. California Water Code §10721(j) defines a GSA as one or more local agencies, that implement the provisions of SGMA. Any local public agency or combination of local agencies that have water supply, water management, or land use responsibilities within a groundwater basin may elect to become a GSA over the basin.

The SMBGSA was formed in 2017 in accordance with the SGMA. The five member agencies of the SMBGSA include the City of Santa Monica, the City of Beverly Hills, the City of Los Angeles, by and through its Department of Water and Power, the City of Culver City, and the County of Los Angeles (collectively, the “Parties”). The Parties signed a Memorandum of Understanding (“MOU”) for the formation of the SMBGSA in May 2017. The SMBGSA was responsible for developing a GSP for the Santa Monica Basin.

The Board is meeting for the first time as the Santa Monica Basin Groundwater Sustainability Agency (“Agency”) on December 16, 2021. Attached for Agency Board consideration is a founding resolution including proposed governance Bylaws for the Agency.

**ATTACHMENTS**

Resolution No. 1 and Bylaws

## **RESOLUTION NO. 1**

### **FOUNDING RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MONICA BASIN GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY AGENCY INCLUDING THE ADOPTION OF GOVERNANCE BYLAWS**

**WHEREAS**, in September 2014, the California legislature passed Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act ("SGMA"), enacting Water Code §§10720 – 10737.8; and

**WHEREAS**, SGMA went into effect on January 1, 2015; and

**WHEREAS**, the legislative intent of SGMA, among other goals, is to provide for the sustainable management of groundwater basins, to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible while minimizing state intervention; and

**WHEREAS**, SGMA requires all high and medium priority non-adjudicated groundwater basins, as designated by the California Department of Water Resources ("DWR") in Bulletin 118, to be managed by a Groundwater Sustainability Agency ("GSA") and that such management be accomplished pursuant to a Groundwater Sustainability Plan ("GSP") for the basin; and

**WHEREAS**, the Santa Monica Basin, DWR Basin Number 4-011.01 ("Basin") was designated by DWR as a medium priority basin thereby requiring the implementation of SGMA for the Basin; and

**WHEREAS**, California Water Code §10721(j) defines a GSA as one or more local agencies that implement the provisions of SGMA; and

**WHEREAS**, any local public agency or combination of local agencies that have water supply, water management, or land use responsibilities within a groundwater basin may elect to become a GSA over that basin; and

**WHEREAS**, the Santa Monica Basin Groundwater Sustainability Agency ("SMBGSA") was formed under a Memorandum of Understanding ("MOU") among the City of Santa Monica, the City of Beverly Hills, the City of Los Angeles, by and through its Department of Water and Power, the City of Culver City, and the County of Los Angeles (collectively, the "Parties"); and

**WHEREAS**, the City of Santa Monica is the only entity currently pumping groundwater from the Santa Monica Basin.

**WHEREAS**, the Parties agreed to designate the City of Santa Monica as the coordinating agency on behalf of the SMBGSA and point of contact with DWR; and

**WHEREAS**, the SMBGSA is not an “exclusive local agency”, but rather a “multi-agency” GSA listed in Water Code §10723 (c); and

**WHEREAS**, the Parties gave notice, pursuant to Water Code §10723(b) and Government Code §6066, of their intent to form the GSA for the Basin on June 13, 2017; and

**WHEREAS**, after a 90-day public review period, DWR declared the SMBGSA the exclusive GSA for Basin; and

**WHEREAS**, the SMBGSA recognizes it is beneficial to the health, safety, and water supply reliability of the Basin for all stakeholders in the Basin to retain local jurisdiction and control over groundwater resources within the Basin; and

**WHEREAS**, the SMBGSA will work cooperatively with other local users of groundwater to manage the Basin in compliance with SGMA; and

**WHEREAS**, adoption of this Resolution does not constitute a project under the California Environmental Quality Act because it does not result in any direct or indirect physical change in the environment.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the SMBGSA does hereby:

1. Affirm that the above recitals are true and correct and are incorporated as terms of this resolution.
2. Affirm that, as required by SGMA the SMBGSA shall consider the interests of all beneficial uses and users of groundwater within the Basin.
3. Approve the Appointment of the Board President and Vice President of the SMBGSA.
4. Approve the “Bylaws of the Santa Monica Basin Groundwater Sustainability Agency” as set forth in **Exhibit A** to this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the Santa Monica Basin Groundwater Sustainability Agency this 16<sup>th</sup> day of December by the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED:

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President of the Board of Directors

ATTEST:

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Secretary of the Board